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Atlanta, GA 30309-3610

Angela N. Brown
Attorney

404 249-3392
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March 22, 2000

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE CLERK

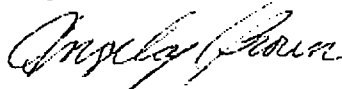
Re: Ex Parte (Erratum) – In the Matter of One Call Communications, Inc. d/b/a Opticom Petition for Waiver of PIC Change Authorization and Verification Requirements, 47 C.F.R. Sections 64.1100-64.1190; CC Docket No. 94-129

Dear Ms. Salas:

On March 15, 2000, BellSouth Corporation and BellSouth Public Communications, Inc. ("BellSouth") filed an *ex parte* in the above-referenced proceeding. After filing its *ex parte*, BellSouth discovered that it had inadvertently attached the incorrect letter referenced in footnote 11. Accordingly, BellSouth files this erratum to amend BellSouth's previous *ex parte*. Please substitute the attached letter addressed to Ann Bernard, Corporate Counsel, One Call Communications, Inc. (dated August 19, 1999) for the incorrect letter addressed to Ms. Amanda Beatty, Var Tec Telecom, Inc. (dated August 19, 1999). All of the appropriate parties have been served with this *ex parte*.

If you have any questions, please feel free to contact me at (404) 249-3392.

Respectfully submitted,



Angela N. Brown

Attachment

No. of Copies rec'd 049
List APC-1E

Ms. Magalie Roman Salas
March 22, 2000
Page 2

cc: Cheryl A. Tritt
Joan E. Neal
Cristina Chou Pauze
Frank Lamancusa

John M. Goodman
Frank Lamancusa
Colleen Heitkamp
William Cox

Ex Parte
CC Docket No. 94-129
March 22, 2000
Doc. No. 121374

@ BELL SOUTH

BellSouth Public Communications, Inc.
75 Bagby Drive
Homewood, Alabama 35209

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 19, 1999

One Call Communications, Inc.
Ann Bernard, Corporate Counsel
801 Congressional Boulevard
Carmel, Indiana 46032

Re: Payphone Compensation (Dial-Around)

Dear Ms. Bernard:

This letter is sent as a formal demand for payment of per call compensation for "Dial-Around"¹ calls made from BellSouth Public Communications, Inc. ("BSPC") payphones. The Federal Communications Commission ("FCC") has established a payphone compensation plan under section 276 of the Telecommunications Act of 1996 that obligates the long distance carriers to compensate the payphone service providers ("PSP") on a "per call" basis for each dial around call.² Under the FCC's plan, the payor bears the burden for tracking "Dial-Around" calls and remitting payment on a quarterly basis to qualified PSPs at a specified "per call rate".³ As stated by the Commission "...IXCs must compensate PSPs for all coinless payphone calls not otherwise compensated pursuant to contract..., including subscriber 800 and access code calls, certain 0+ and inmate calls."⁴

¹ "Dial-around" calls consist of long distance calls that utilize a long distance carrier other than where the payphone's presubscribed carrier has an agreement to otherwise compensate the PSP (e.g. 1-800-COLLECT, 10-10-288, or 1-800-LLBEAN). Absent an agreement, the presubscribed carrier must compensate the PSP for presubscribed calls (e.g. 0+, inmate collect only).

² *In re Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, *First Report and Order*, FCC 96-388 (released September 20, 1996, 11 FCC Red 20541) ("First Report and Order"), *on reconsideration*, FCC 96-439 (November 8, 1996, 11 FCC Red 21233) ("Reconsideration Order"). The *First Report and Order* and the *Reconsideration Order* are commonly referred to as the "Payphone Orders". The Payphone Orders were affirmed in part and vacated in part. See *Illinois Public Telecom Assn. v. FCC*, 117 F.3d 555 (D.C. Cir. 1997). On remand, the FCC issued its *Second Report and Order*, 13 FCC Red 1778 (1997) ("Second Report and Order"). The Second Report and Order was appealed. On appeal, the Court remanded certain issues to the Commission. See *MCI Telecomm. Corp. et. al. v. FCC* Docket No. 96-128 (released February 4, 1999) ("Third Report and Order").

³ See 47 CFR SECTION 64.1310(a). Under the Payphone Orders, the per call rate was established at \$.35. Under the Second Report and Order, the per call rate was adjusted to \$.284. Under the Third Report and Order, which became effective thirty (30) days after the Order was published in the Federal Register, the per call rate is bifurcated with a default rate of \$.238 applying to the period between October, 1997 and the Order's effective date and a default rate of \$.24 applying on a prospective basis from the period beginning on the effective date of the Order (April 21, 1999.)

⁴ See Third Report and Order, par.230.

BSPC first became eligible to receive payphone compensation under the FCC plan within its nine (9) state region on April 15, 1997, upon notice and certification to carriers of its compliance with the FCC's enumerated prerequisites for compensation.³ BSPC has previously notified your company of your responsibility to pay per-call compensation. Per our records, BSPC's ANI lists for the quarters from October 1, 1997 through June 30, 1999 have been previously delivered to your company. As of the date of this letter, BSPC has yet to received any per-call compensation payments from your company. In various telephone conversations with you over the past two months you stated that One Call would not be paying any Per Call Compensation to any RBOC payphone service provider until various PIC-C issues/complaints were resolved with the FCC.

As you acknowledged, BSPC is totally removed from those issues/complaints and they are totally unrelated to the Per Call Compensation liabilities that your company owes to us. Since BellSouth has previously certified its compliance with the Payphone Orders by removing all payphone subsidies, that cannot be an excuse for non-payment. Therefore, BSPC requests immediate payment for all compensable calls made on BSPC payphones carried by your company. Additionally, any late payments must include interest of 11.25% from the original due date.⁴

BSPC would like to work with your company to facilitate payment by identifying and resolving any disputes in an amicable, but timely, way. However, the existence of disputes should not be a basis for delay of such payments. BSPC reserves its right to take whatever legal action it deems necessary to protect its interests, including filing formal complaints with the FCC or the appropriate court. In that case, BSPC may seek interest and reimbursement of all legal costs incurred in recovering the per-call compensation owed.

Please respond to this letter within 10 days of receipt, with payment in full, including the appropriate call detail records to verify the amount paid, or advise BSPC of the reason you are unable to determine the amount to be paid and when you expect to have the problem solved.

Be advised that if we are unable to resolve this matter or if you do not respond within 2 weeks time, this letter may serve as the basis for a formal complaint with the FCC pursuant to §1.721 (a)(8) of the FCC's rules.

Sincerely,

John Golden
AVP - Finance

³ In the Reconsideration Order, at par. 131, the Commission stated the eligibility requirements: To receive compensation, a LEC must certify the following: 1) it has an effective cost allocation manual (CAM) filing; 2) it has an effective interstate CCL tariff reflecting a reduction for deregulated payphone costs and reflecting additional multi-line subscriber line charge ("SLC") revenue; 3) it has effective interstate tariffs reflecting the removal of charges that recover the costs of payphones and any intrastate subsidiaries; 4) it has deregulated and reclassified or transferred the value of payphone customer premises equipment ("CPE") and related costs as required in the First Report and Order; 5) it has in effect intrastate tariffs for basic payphone services; and 6) it has in effect intrastate and interstate tariffs for unbundled functionalities associated with those lines.

In the same order at par. 132, the Commission added a seventh requirement: "...BOCs must also have approved CEI plans for basic payphone services and unbundled functionalities prior to receiving compensations".

Note: These eligibility requirements do not apply to BSPC payphones maintained and operated outside of its nine (9) state region. For out-of-territory payphones, BSPC became eligible for compensation upon the effective date of the Payphone Orders.

⁴ See Third Report and Order, par. 187.